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SUBJECT: DEBATE OVER POSSIBLE CONSTITUTIONAL CHANGES
STEADILY HEATS UP

REF: A. MANILA 4464

- [1](#)B. INR/EAP - MANILA 09/20/05 CLASS E-MAIL
- [1](#)C. MANILA 4140

Classified By: Acting Political Counselor Joseph L. Novak for reasons 1.4 (b) and (d).

[1](#)1. (C) Summary: The perennial debate over possible changes to the Philippine Constitution of 1987 is steadily heating up. Jose De Venecia, the Speaker of the House, is pressing the matter forward in Congress, urging that the current bicameral, executive presidential system be changed into a parliamentary one. Malacanang has indicated support for possible change, recently taking steps to form a "Consultative Commission" to look into the matter. That said, President Arroyo is naturally not too keen to cut short her term or otherwise curb her powers to allow an executive prime minister to take over. The Philippine Senate, which stands to be abolished under most proposals, remains highly suspicious of De Venecia's efforts. Given the scrum that normally is Philippine politics, this debate will not be smooth and the idea that all parties will be on board at any time soon is a long shot. When asked, Mission continues to make clear that political arrangements in the Philippines are for the people of the Philippines to decide. End Summary.

House Speaker Presses Debate

[1](#)2. (SBU) The perennial debate over possible changes to the Philippine Constitution of 1987 is steadily heating up. (Note: This debate often goes by the name "Charter Change," or more colloquially -- and perhaps with a nod to the debate's confusing twists and turns -- as "Cha-Cha." End Note.) Speaker of the House De Venecia, a long-time proponent of change, is pressing the matter forward in the House, urging that the current bicameral, executive presidential system be changed into a unicameral, parliamentary one. De Venecia and his supporters argue that the current system has proven ineffective in meeting the Philippines' needs and a parliamentary system providing for longer terms in office would be more responsible in nature and less corrupt.

[1](#)3. (SBU) At several times in recent years, De Venecia has come up with various, confusing formulations on what he sees as the way forward. (Note: We have been told that the Speaker's office prepared a draft Constitution clearly encapsulating his ideas a couple of years ago and we are trying to obtain a copy. End Note.) In a September 27 address before the Manila Overseas Press Club, De Venecia set out a tangle of options, which basically range from: Arroyo staying on until her term ends in 2010 but in a ceremonial capacity while an executive prime minister runs the country; to President Arroyo and a prime minister basically sharing power until 2010; to Arroyo and all House and Senate members stepping down in 2007, so a "fresh start" can be made with a newly elected parliament, etc. (Note: De Venecia has also indicated that he supports "federalism" as part of his Constitutional change plans. He has not fully diagrammed his plans in this area, saying he wants to move forward with his proposal to form a parliament first. At various times, De Venecia has also proposed other discrete changes to the Constitution, such as a provision specifying an "open door" for foreign direct investment and a provision punishing politicians who switch parties -- see ref b. End Note.)

[1](#)4. (U) De Venecia has made clear that he would like to see his proposals implemented via a "Constituent Assembly" of sitting legislators from both the House and the Senate. (Note: Another option would be the holding of a "Constitutional Convention," which would involve the direct election of delegates by the public. De Venecia believes this option would be too drawn out and expensive. End Note.) Under a proposed bill which was successfully voted out of a House Committee in March 2005, the House and the Senate would sit together and review the draft changes to the Constitution. Upon three-fourths of support in the assembly, the changes would be approved and then subject to ratification in a national referendum.

15. (C) The Senate is vehemently against this proposal, believing that the Constitution makes clear that both the House and the Senate, meeting separately, have to approve any proposed changes by a three-fourths margin. In reaction to the Senate's fierce opposition, De Venecia has recently come up with a complex formulation that would have the House and Senate meeting separately within a Constituent Assembly, but voting as one. Even he has admitted that the Senate is unlikely to accept this new proposal. Regardless of the problems his proposals face, De Venecia has made clear that he plans to press forward and to hold votes in the House in coming months as he seeks to make his dream of changing the system into a reality.

Malacanang Plays Coy

16. (C) President Arroyo has often indicated that she supports Constitutional change as a way "to revitalize" the country, but she has not outlined her views on the matter in detail. In addition, neither she nor her lieutenants have ever indicated that she would agree to cut short her term or curb her powers to ease the way for a parliamentary system. Arroyo, however, does not want to offend De Venecia, who is influential and recently came to her aid by helping quash the Opposition's impeachment complaint (ref c). In light of that, Arroyo has made an effort to at least appear that she wants to work with De Venecia on possible change. She has made a similar effort to appease former president Fidel Ramos, who also helped Arroyo during the recent political turbulence and has put forth a Constitutional reform plan of his own.

17. (C) When asked about Constitutional change by Acting Pol/C during a September 26 meeting, Gabriel "Gabby" Claudio, Arroyo's chief political adviser, averred that his boss "sincerely believes that changing the Constitution could help the country's economy and help heal its divisions." He allowed, however, that obtaining the agreement of the three major institutions involved -- the House, the Senate, and Malacanang -- would take "months of work and might not be possible in the end." He added that the President would continue to study options and planned to monitor House proceedings carefully. Malacanang has recently set up via executive order a "Consultative Commission" meant to examine possible Constitutional changes. The Commission is to have 50 members of which 43 slots recently have been filled. The members include well-known lawyers and other professionals, labor leaders, former diplomats, provincial leaders, etc. The Commission is mandated to provide Arroyo with its recommendations on possible changes by the close of 2005.

Senators Not Pleased

18. (C) The Philippine Senate, which stands to be abolished under most plans currently on the table, remains highly suspicious of the proposals. As a salve, De Venecia has proffered various formulations wherein senators might be able to extend their terms as members of a parliament, but he has made little progress in changing minds. In a recent conversation, Senator Maria Anna Consuelo "Jamby" Madrigal told Acting Pol/C that she doubted that even three of the Senate's 23 members supported De Venecia's proposals. Other senators have repeated the same breakdown to Acting Pol/C. Senators have made clear they will take the matter to the Supreme Court if the House presses ahead without Senate concurrence.

19. (C) Many senators -- and many political commentators -- have asserted that the Constitutional change debate has more to do with De Venecia's political ambition to be prime minister than any rational need to change the country's governing set-up. De Venecia, who lost the presidential election in 1998, has denied that he wants to be prime minister, but not very convincingly. In a body like the Senate, which has many members who harbor political ambitions of their own (Senators Roxas, Villar, Lacson, Pangilinan, etc., all want to lead the country), there is a clear disinclination to give a rival like De Venecia any opening. For Malacanang, the opposition of the Senate to the changes is fortuitous because it can point to it when pressed by De Venecia as to why his proposals are not moving forward. Nonetheless, the Senate does not want to appear to be a roadblock to change: many senators have expressed support for the convening of a Constitutional Convention, as long as both the House and the Senate vote separately to approve its formation. (Note: So far, polls indicate that the public is not at all engaged on the matter of Constitutional change, but there is widespread interest in improving governance. In light of this, most politicians want to take a forward position by favoring some sort of "change." End Note.)

Comment

10. (C) Given the scrum that normally is Philippine politics, this debate will not be smooth. De Venecia is fully committed to changing the system and has promised to launch a major public relations campaign in coming months while the House moves forward on votes, which should keep the issue on a lot of front pages. Malacanang, meanwhile, is clearly not going to press hard on the matter, though it wants to be seen as doing enough so as not to alienate De Venecia (or Ramos). The Senate -- which has poor relations with the House and increasingly frayed relations with Malacanang (ref a) -- is unlikely to budge. Given this situation, the idea that all parties will agree to changes at any point soon is a long shot to put it mildly. When asked, Mission continues to make clear that political arrangements in the Philippines are for the people of the Philippines to decide.

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